



1617

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# TRANSMITTAL FORM

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Application Number 09/997,277

Filing Date 11/29/2001

First Named Inventor Bruce Jon Compton

Group Art Unit 1617

Examiner Name WEBMAN, Edward J.

Total Number of Pages in This Submission

Attorney Docket Number 30413-101

## ENCLOSURES (check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☒ Amendment / Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) \_\_\_\_\_

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below):

Post Card

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Stephen J. Gaudet  
Reg. No.: 48,921

Signature

Date

12/23/03

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Compton, B.J. )  
Serial No.: 09/997,277 )  
Filed: November 29, 2001 )  
Title: Oral Delivery Formulation )  
Docket No.: 30413-101 )

Art Unit: 1617  
Examiner: Webman, E.


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By:   
Stephen J. Gaudet  
Reg. No. 48,921  
Attorney for Applicant



## REPLY

Sir:

In reply to the UPTO communication dated November 25, 2003, Applicant files the following response.

The Applicant elects with traverse Group I claims (claims 1-28) for prosecution. Applicant disagrees that Groups I and II define distinct inventions. Claims 29 through 42 are withdrawn from further consideration without prejudice.

Further, Applicant elects with traverse the species, a flake with a drug. The Examiner indicated that a choice had to be made between (a) a flake with a drug, or (b) a flake without a drug. The generic claim is directed toward a flake.

The next species election involved the following choice, (a) the drug is embedded in the flake, or (b) the drug is coated on the flake. The generic claim is directed to flakes comprising a drug. With traverse, Applicant elects the species, drug is embedded in the flake.

Next, Applicant elects with traverse a natural polymer. The choice presented was (a) a flake comprising a non-polymer, or (b) a natural polymer, or (c) a synthetic polymer. The generic claim is directed toward flake materials.

Finally, Applicant elects with traverse, a solid flake for claim 24. The choice here was between (a) a solid flake, or (b) a semisolid flake.

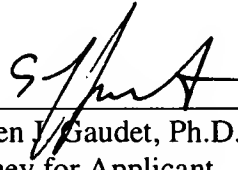
Applicant believes that these elections satisfy the requirements stated by the Examiner.

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The Examiner is invited to call the undersigned attorney at (617) 854-4237 should he determine that a telephonic interview would expedite prosecution of this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. J. Gaudet', written over a horizontal line.

Stephen J. Gaudet, Ph.D.  
Attorney for Applicant  
Reg. No. 48,921

Date: 12/23/03